

REMARKS

Claims 1-8, 10, and 12-15 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

Claims 1 and 10 are amended. Certain recitations in Claims 1 and 10 were not underlined or struck-out in the last amendment. The same have been now underlined and struck-out to present the claims in a proper form.

DOUBLE PATENTING

Claims 1-8, 10, and 12-15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of Davis et al., U.S. Patent No. 6,330,557, in view of Wise (U.S. Patent No. 5,884,262).

In view of the above amendments to claims and the related remarks below, the Applicants establish that Wise cannot be used to render the present invention obvious. The Applicants respectfully request the Examiner to review and withdraw the double patenting rejection.

REJECTION UNDER 35 U.S.C. § 103

Claims 1-8, 10 and 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wise et al. (U.S. Pat. No. 5,884,262) in view of Birdwell (U.S. Pat. No. 6,108,706) and Brodsky (U.S. Pat. No. 5,809,471). This rejection is respectfully traversed.

Claims 1 and 10 have been amended. The amended claim 1 includes the recitation, "at least one second filter, ...for selecting a first group of search results...and discarding a second group ...being customizable by the user". Analogous recitations are included in the amended claim 10. Support for the added recitations can be found throughout the specification. A particular but non-limiting example can be found in the Specification on page 6, lines 16-20.

None of the cited references, either singly or in combination, teach the amended claims 1 and 10. The Examiner has cited the Wise reference as disclosing the accessing of pre-determined internet sites citing col. 6, lines 40-51. Wise's invention is directed to an information retrieval system that converts the accessed internet files into audio. Unlike the Applicants invention, Wise does not provide two-stage information processing and filtering for the searching process. Wise relies on the user to make appropriate selection from the search results, and does not provide any filtering. For example, Wise clearly discloses that "If a search ...and more than one address is returned by the searcher...audio menu so that the user may select a single address." Applicants' invention, on the contrary, constrains search request and filters search results as shown by the recitations "...using said electronic program guide to constrain said search request..." and "said second filter ... selecting a first group of search results ...discarding a second group of search results from said received search results" (claim 1).

Birdwell, as noted by the Examiner, discloses filtering announcements as per pre-determined criteria (Abstract). While Birdwell may disclose filtering of announcements, it does not disclose two stage search processing where an electronic

program guide is used to constrain the search request and thereafter a first filter that uses an electronic program guide is used to process the search results, and a second filter to select and discard the search results (claim 1). Wise as noted earlier does not disclose not disclose the two stage filtering process. Hence, Birdwell's disclosure of filtering announcement cannot be combined with Wise without the benefit of hindsight to render the Applicant's invention obvious.

Futher, the Brodsky reference discloses a system for searching information using a set of prioritizing keywords. However, Brodsky does not disclose a two-step searching processing of the Applicants invention as discussed above. Brodsky uses keywords to prioritize searching (col.5, lines 48-50). Brodsky's use of keywords may at best be considered a type of single filter based search filtering. However, the Applicants invention as discussed above is different kind of searching and filtering system, that initially applies search constraining in pre-searching stage, and then applies two filters in the post-searching stage to provide better searching results to the user (see claim 1 recitations above). Brodsky clearly does not disclose such a system.

Therefore, the cited references cannot be combined, without the benefit of hindsight, to achieve the Applicants invention. Therefore, the Applicants respectfully request the Examiner to withdraw the rejection of Claims 1 and 10 and allow the same. Claims 2-8 and 12-15 depend on claims 1 and 10, and hence are allowable for at least the same reason(s) as claims 1 and 10.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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